Agenda	Item	No	

File Code No. 640.07



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 7, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Architectural Board of Review Approval Of The

Review After Final Of 336 North Milpas Street

RECOMMENDATION:

That the Council deny the appeal of Tony Fischer on behalf of the Mary Z. Frangos Trust, and uphold the Architectural Board of Review (ABR) approval of the Review After Final of the application of Fresh & Easy Neighborhood Market for changes to an entry tower, entry ramps, doors, and a roof parapet.

EXECUTIVE SUMMARY:

The proposed project involves the demolition of the existing buildings and the construction of a new one-story 11,468 square foot commercial building for Fresh & Easy Neighborhood Market. The demolition of the buildings has already occurred with a separate building permit issued in March 2011.

The project has involved multiple reviews by the ABR over the course of several years. The project received Preliminary Approval from the ABR in 2006. The applicant requested and was granted three time extensions on this initial approval. The project received an ABR Final Approval in January 2010 but returned again in March 2011 with some further project design refinements. The ABR approved the Review After Final revision on April 4, 2011. On April 14, 2011, an appeal of "ABR approvals" was filed by Tony Fischer on behalf of the Mary Z. Frangos Trust.

The appellant requests that Council condition or amend the project approval, asserting that the proposed project should not have been approved without addressing their concerns. The appeal period for the Preliminary Approval expired in 2006. The only decision that is appealable at this time is the approval of the Review After Final. The appropriate standard of review on this type of appeal is whether the project design that received approval at the Review After Final substantially conforms to the original Preliminary Approval. The Review After Final essentially serves as the most recent Final Approval. The appellant's letter covers many issues that are not relevant to the question of substantial conformance with the Preliminary Approval and such discussions are not properly before the City Council at this time. Although Staff believes the appeal raises issues not properly before the City Council at this time, this report responds to each concern raised by the appellant and provides brief explanations on why Staff and the ABR believe the project is consistent with all applicable policies and ordinances. Staff suggests that Council limit the scope of issues to areas that can appropriately be appealed and

considered by the City Council at this late stage of City review. Staff recommends that Council focus only on the changes that were involved with the latest ABR Review After Final approval.

DISCUSSION:

Project Description

The 39,130 square foot project site is located in the Milpas neighborhood at the southeastern corner of Milpas Street and East Gutierrez Street (See site plan, Attachment 2). The approved project involves the demolition of the existing buildings and the construction of a new one-story 11,468 square foot commercial building for Fresh & Easy Neighborhood Market. The proposal includes 48 parking spaces, a voluntary merger of three lots totaling 39,130 square feet, and demolition of three existing non-residential buildings totaling 12,919 square feet. The project will result in a Measure "E" square footage credit as the proposed size of the new building is 1,451 square feet smaller than the existing. The demolition of the buildings has already occurred with a separate building permit issued in March 2011. The ABR approval decision that is the subject of this appeal is for revisions to the ABR approved project that consists of changes to the entry tower, entry ramps, the doors on the northwest corner of the project site, and an alteration to the roof parapet on the south side.

Background

The ABR approved the Review After Final revision on April 4, 2011. On April 14, 2011 an appeal of "ABR approvals" was filed by Tony Fischer on behalf of the Mary Z. Frangos Trust. The appellant requests that Council condition or amend the project approval asserting that the proposed project should not have been approved without addressing their concerns. The project received a preliminary approval on October 9, 2006 and a final approval on January 25, 2010. The appeal periods for these approvals ended 10 days after the approvals, therefore the only decision that is appealable at this time are the project revisions which were the subject of the approval of the Review After Final. The appropriate standard of review on this type of appeal is whether the project design that received approval at the Review After Final substantially conforms to the original Preliminary Approval of 2006. The Review After Final essentially serves as the most recent Final Approval. The appellant's letter addresses issues that are not relevant to the question of substantial conformance with the Preliminary Approval and these points are not properly before the City Council at this time.

Project History

The ABR initially reviewed the project on June 5, 2006 and, after three review hearings, granted the Preliminary Approval on October 9, 2006 for a building design intended for a retail drugstore. The design review process considers the exterior appearance of development not land use. In 2009, the application was changed in terms of tenant but that did not change ABR purview. The project requested and received three one-year time extensions of the Preliminary Approval giving a new expiration date of October 9, 2010. Four final review hearings were held and Final Approval was granted on January 25, 2010. For purposes of improving customer circulation into and out of the grocery story, the floor plan and entry area were revised resulting in exterior changes to the building's tower

element, entry steps and ramps, landscaping planters, and a portion of the parapet roof. These changes returned to the ABR for a Review After Final hearing on the Consent Calendar on March 7, 2011 and the review was continued to the full board of the ABR. The ABR reviewed the changes on March 21 and on April 4 and approved the architectural changes with the final landscaping plan to return to the Consent Calendar (see Attachment 3).

APPEAL ISSUES:

The appellant is not asking the Council to deny the application; rather, the appeal letter (Attachment 1) asks Council to "take appropriate action to improve the project and to comply with applicable requirements." The following appellant's issues are listed below and include staff's position response where appropriate.

Inadequate Notice Provided

1. The project did not receive adequate notice of hearings at ABR, for several time extensions granted to the project and for the issuance of a demolition permit.

Staff's Position: The City provided the required mailed notices 10 days in advance of first Concept Review ABR hearing to all property owners within 300 feet of the subject property as required by the Municipal Code. The mailed notice states clearly that it is the neighboring property owner's responsibility to follow the project through the City design review process for scheduled future hearings, or request that they be added as an interested party to the development case so that all future ABR agendas are sent when the project returns for additional ABR reviews. The file record shows notice was mailed out to Mr. Frangos for the Concept Review hearing. In addition, other neighbors appeared at various ABR meetings. The proposed development project does not require land use discretionary approvals since it is fully allowed by the long-established zoning for this area. Furthermore, the Municipal Code does not require mailed notice to neighbors for the granting of time extension approvals or the issuance of demolition permits. It is not unusual for projects to return to the Boards for Review After Final decisions to consider architectural changes and site plan revisions. These types of minor revisions to projects also do not trigger noticing beyond the ABR agenda itself.

Inadequate Environmental Assessment

 Required environmental assessment not completed for the project regarding project design impacts related to the removal of contaminated soil and significant impacts on views.

Staff's Position: The appellant has not provided any evidence to support this conclusion. Based on an analysis of the proposed project, the project qualifies for an exemption per CEQA Sections 15330 (soil remediation) and 15302 (Replacement or Reconstruction). Staff has thoroughly reviewed the project and found that there are no significant environmental effects and that the project is consistent with the C-2 Zone and the General Plan policies. City planning staff reviewed the Remediation and Corrective Action Plan which was designed to remediate hazardous materials on the project site. The Plan would cover 2,250 square feet and would extend approximately 12 feet below grade. This would result in 1,000 cubic yards of soils being removed from the site and sent to a facility licensed to take hazardous materials. An estimated 100 truck trips would be

required to transport the soils to the landfill and another 100 trips would be required to replace the contaminated soils. Since the total 200 remediation truck trips would occur only once, to remediate an existing condition, this impact would not be significant.

The City applied standard conditions of approval to the project to help reduce short-term construction related impacts such as traffic relating to truck trips generated during construction (see Attachment 4).

A one-story structure replacing an existing one-story structure does not usually present concerns regarding view blockage. No public concerns were voiced to the ABR regarding the proposed 28 foot maximum height building. The ABR determined that the original design and revised design were acceptable for the neighborhood. Staff recommends that Council review the latest architectural design changes to determine whether the proposed revisions substantially conform with the previously approved design.

Inadequate review of Grading Plans

3. & 4. The ABR did not provide adequate review of the grading and drainage plans and the plan information is incomplete.

Staff's Position: Not substantial appeal issues. It is staff's position that appropriate consideration has been given to the proposed plan at the ABR level. The project site is relatively flat. Potential drainage Impacts and floodplain compliance related to proposed grading of the site are typically reviewed as part of building permitting stage. The proposal receives initial staff review to determine that the base flood elevation is being met. The Architectural Board of Review (ABR) review approval process is not the appropriate venue for addressing drainage and floodplain compliance concerns that are handled by Building and Safety during plan check.

Inadequate review and consideration of perimeter block walls

5. & 6. Proposed 8 foot tall cinder block wall at perimeter of site will obstruct significant existing views and design should be revised.

Staff's Position: The ABR determined the proposed 8 foot block perimeter wall to be suitable for this site. The adjacent property owner who resides in a residential building east of the subject at 920 E. Gutierrez Street supports the proposed wall to help buffer the properties (see Attachment 5). It is not unusual to have these types of sound block walls along the perimeter of grocery stores and parking lots adjacent to residential uses.

<u>Drawings do not reflect actual conditions relating to location and size of street trees and project design will not provide for adequate public sidewalk widths</u>

7. & 8. The plans are inaccurate and the project violates MC sections 22.60.110 and 22.60.290 for minimum sidewalk widths. If project had a more suitable setback, the project would comply and the trees could be protected.

Staff's Position: The project does not violate any Municipal Code requirements. The code sections cited above by the appellant involve public sidewalk improvements for subdivisions. The project proposes to maintain the long-existing 8 foot sidewalk width fronting along Milpas Street. There are two existing public trees (Indian Laurel Figs) along the Milpas Street frontage where the sidewalk widths are reduced due to the large size of existing street trees and trunks. The project design does not comply with

recommendations of City's Pedestrian Master Plan (PMP) for frontage improvement dimensions, which are 2.5' frontage zone, 8' sidewalk, 4' parkway, and 6" curb. However, in this particular case, Public Works Transportation Staff did not believe it was fair to apply these new PMP standards to a project that had submitted a complete application before the PMP was finalized and approved. Although Public Works would normally recommend these improvements on new buildings subject to approval by the Planning Commission, there is less nexus for these improvements for a project which only needs ABR design review.

Inadequate Findings Made

9. ABR failed to make findings required by Chapter 22.68 of the code.

Staff's Position: Not a substantial issue and not applicable for project. Preliminary approval for this project site was first granted in 2006 by the ABR for a similar building size, height and design (Long's). The ABR's "project compatibility criteria" were not adopted by the City Council until 2008. Section 22.68.045 C1 indicates the ABR shall consider the compatibility criteria during the course of its review of the project design prior to the issuance of preliminary design approval for the project.

No information on utility easements shown on plans

10. The existence and location of utility easements through property are not part of plan submittal.

Staff's Position: Not a substantial issue. The information on utility easements is not required to be shown on ABR approved plans. The information is presented for review through the building permitting stage.

Project will have noise and use impacts

11. Restrictions on hours of operation and the hours for deliveries would be appropriate and necessary to minimize impacts on residential uses in the area.

Staff's Position: Not a substantial issue. As stated earlier in staff report. The proposed market use is consistent with allowed uses for C-2 Commercial zoning. No special land use approvals are required for this application and, as a result, Staff can not condition this business to restrict hours of operation or hours for deliveries unless the business voluntarily agrees to these types of limitations. Staff has encouraged that Mr. Frangos discuss operational concerns directly with applicant.

Project violates recommendations outlined in 2006 Historic Structures Report

 Recommendations to maintain building setback and for an art deco design were not followed by the ABR and the building will not be in keeping with existing and neighboring buildings.

Staff's Position: The former buildings were studied and found to not be historically significant in a Historic Structure Report accepted by the HLC in 2006. The report preparer indicated the demolition of the building could proceed and not pose a significant adverse impact, but made two advisory recommendations on the future design for the replacement building (see attachment 6). Staff agrees that these advisory recommendations were part of the HLC acceptance of the report and intended to be

subsequently forwarded to the ABR for consideration. The ABR were recently reminded of these advisory recommendations and some ABR members indicated they were unaware of these prior advisory recommendations while reviewing the Return After Final tower changes along Milpas Street. The majority of the ABR believed it was too late to consider these and accepted the current building design.

CONCLUSION:

The proposed project received ABR Preliminary Approval in 2006. This appeal is from a decision on Review After Final. Therefore, the question before the Council is whether the revised project as approved in the Review After Final substantially conforms to the design that received Preliminary Approval. Staff believes that the changes approved in the Review After Final are in substantial conformance with the Preliminary Approval and that the project continues to be consistent with the original plan approvals for the project site.

It is staff's position that the building design is compatible with the neighborhood and that the Architectural Board of Review appropriately considered all relevant design issues pertaining to the application and to approve the design of the proposed project. The building design, loading dock, and parking configuration locations were given thorough consideration (see Attachment 2). Therefore, staff recommends that the Council deny the appeal and uphold the approval of the project.

NOTE: The project plans have been separately delivered to the City Council for their review and are available for public review in the City Clerk's Office.

ATTACHMENTS: 1. Appellant's letter dated April 13, 2011

- 2. Site Plan, Landscape Site Plan and Building Elevations
- 3. ABR Minutes
- 4. ABR Conditions of Approval
- 5. Letter from adjoining neighbor dated May 6, 2011
- 6. Historic Structures Report Excerpt dated August 30, 2006

PREPARED BY: Jaime Limón, Senior Planner II

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

RECEIVED

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Tony Fischer
Attorney at Law
2208 Anacapa Street
Santa Barbara, CA 93105
Tel: 805 563 6784
fischlaw@cox.net

CITY OF SANTA BARBARA CITY CLERK'S CIFFICE

April 13, 2011

Mayor Helene Schneider and Councilmembers City of Santa Barbara City Hall Santa Barbara CA 93101

Re: Appeal of ABR approvals for building at 336 N. Milpas St.

Dear Mayor Schneider and Council Members:

This appeal is filed on behalf of the Mary Z. Frangos Trust. The Trust owns the property at 318-320 North Milpas and the property across the street at 325 North Milpas. The 318-320 North Milpas property is immediately adjacent on Milpas Street to the Fresh and Easy Neighborhood Market project proposed at 336 N. Milpas Street, Santa Barbara, CA.

This appeal is filed for the following reasons:

1. Inadequate notice of hearings at ABR. The processing of this project failed to comply with due process by failure to give required notice. This project began as a drug store in 2006 and was presumed abandoned only to find out that it received several extensions without notice to neighbors and then received a demolition permit. Then, it was scheduled for review on the ABR's "consent agenda" on March 7, 2011 for major revisions to the corner/tower design, building height, additional refrigeration equipment on the roof, etc., as requested by "Fresh and Easy." Frangos Trust objected to the review on consent which was being done without notice to the neighborhood. The project was forwarded from the consent agenda to the full board and the project was rejected even without the benefit of the concerns of the immediate neighbor. Review was continued for two weeks to March 21 only to be continued again by the Applicant for two weeks to April 4, 2011. At that hearing, the project was approved by 4 ABR members despite the recognition by some ABR members of valid concerns related to (a). the eight foot (8') high bare cinder block walls (very suitable for graffiti on both sides) around the parking lot and along the southerly property line; (b) the inaccurate drawings showing the existing trees and potential damage to the mature trees due to required excavation; (c) the lack of information regarding actual building height (drawings only show height above finished floor); (d) the blockage of mountain/Riviera views by construction of a 28 foot tall single story building with no setback; (e) failure to comply with recommendations in the Historic Structures Report regarding design and setbacks; and. (f) the lack of a required grading plan despite a known requirement to excavate and remediate

Appeal of ABR approvals of 336 North Milpas,

Date: April 13, 2011

contaminated soils identified in the 1990s. Despite being a neighbor, adequate notice, consistent with due process has not been sent or received and these valid concerns were not adequately considered.

- 2. The required environmental assessment of project impacts has not been completed. Impacts of removal and remediation of the soil contamination which was identified by the County Fire Department in the 1990's, has not been assessed. Significant impacts on views were not assessed.
- 3. There is no grading plan despite the extensive grading (cut and fill) and hauling required for the project. A grading plan is required to be submitted and approved by ABR per Chapter 22.68 of SB Municipal Code. Without a grading plan for review and approval by ABR, the project does not have all required reviews and approval. A complete grading plan would help with evaluation of building height, impact on existing trees, and existence of utility easements, flood control and drainage compliance issues.
- 4. Site has contaminated soil. The contamination must be removed to an appropriate disposal site. That removal alone involves enough cut and fill to require a grading plan. The Architect mentioned at the hearing the potential for a finished floor height based upon flood control maps. Showing that information on a grading plan would help in determining the final design in order to verify that project will not grow taller during construction to comply with those maps and would help to determine if the building height is excessive.
- 5. The project building and the parking lot's tall bare cinder block wall will obstruct significant existing views. True height of building is not on drawings. All elevations are based upon "finish floor" and not based upon existing grade.
- 6. Project will construct eight feet (8') tall bare cinder block walls suitable for graffiti on both sides. The views from the project's parking lot and the neighbors view of the project site will be negatively impacted. It is noted that the architect indicated at the ABR hearing that lowering the wall likely would be acceptable to Fresh and Easy and that the 8 foot height was proposed because that height was believed to be a requirement of the City. The surrounding area is rustic with wooden building and wooden property line walls shorter than 8 feet. A wooden fence would be compatible with the neighborhood. Block wall is not compatible. More greenery would also be more consistent with the neighborhood.
- 7. Drawings do not reflect actual conditions related to location of street trees adjacent to the property and the size of the trees.
- 8. Existing street trees on Milpas are to be retained. However, project is contrary to law because at the location of the trees there is inadequate sidewalk width. As proposed, the project violates SBMC sections 22.60.110 and 22.60.290 which establish minimum

Appeal of ABR approvals of 336 North Milpas,

Date: April 13, 2011

sidewalk width. If the project had more suitable setback (none proposed), the project would comply and the trees could be protected.

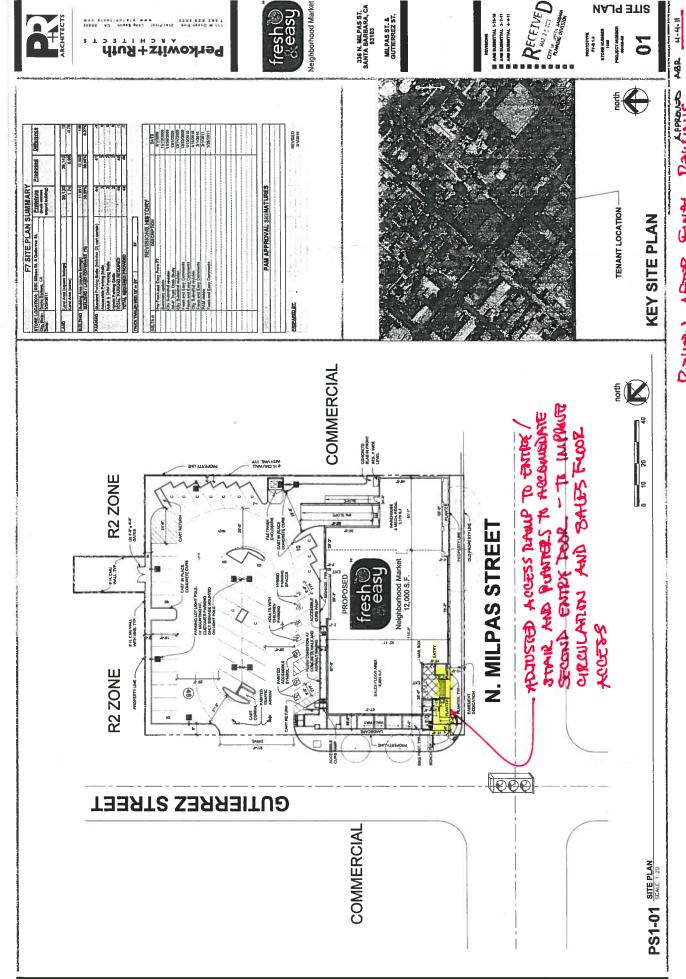
- 9. ABR failed to make findings required by Chapter 22.68 of the Code.
- 10. The existence and location of utility easements through the property is not a part of the documentation submitted to the ABR. Those easements may impact the design. Any relocation of utilities needs to be shown on the drawings.
- 11. As part of environmental review, the project as currently proposed for Fresh and Easy, will have noise and use impacts. Restrictions on hours of operation and the hours for deliveries would be appropriate and necessary to minimize impacts on residential uses in the area. It is believed that restrictions were imposed on the operation of Trader Joes on De La Vina.
- 12. At the time of approval of the Historic Study report in 2006, the two recommendations were: (1) keep the setbacks; and (2) have an art deco design in keeping with the existing and neighboring buildings. This project violates both recommendations.

We reserve the right to provide additional information related to this appeal and respectfully request that the City Council take appropriate action to improve the project and to comply with applicable requirements.

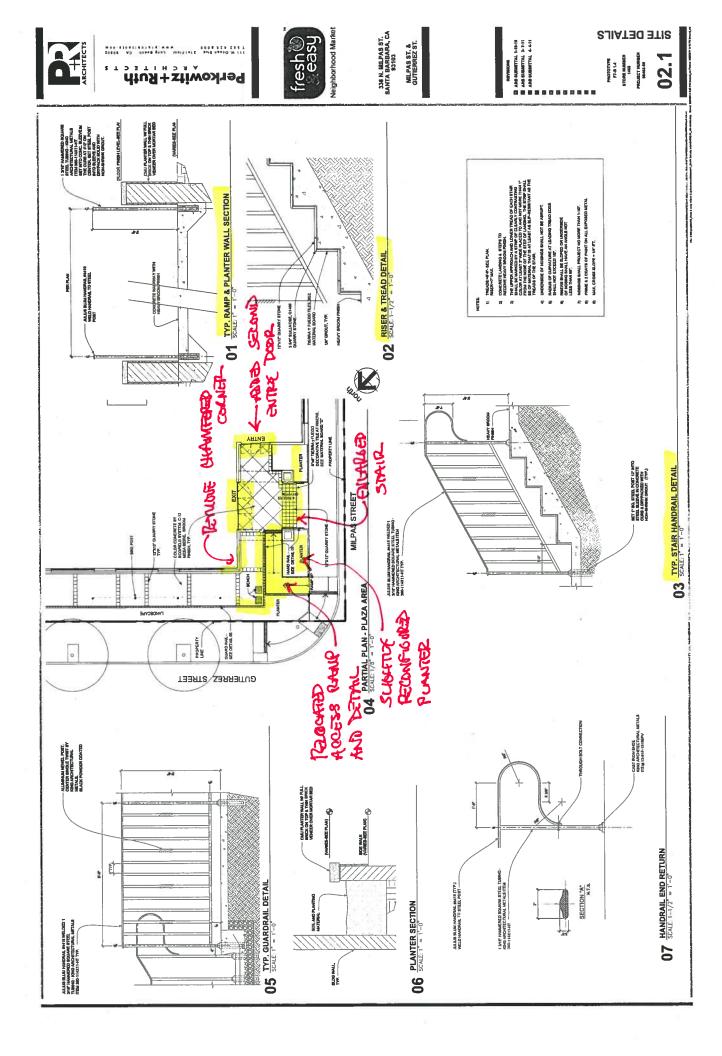
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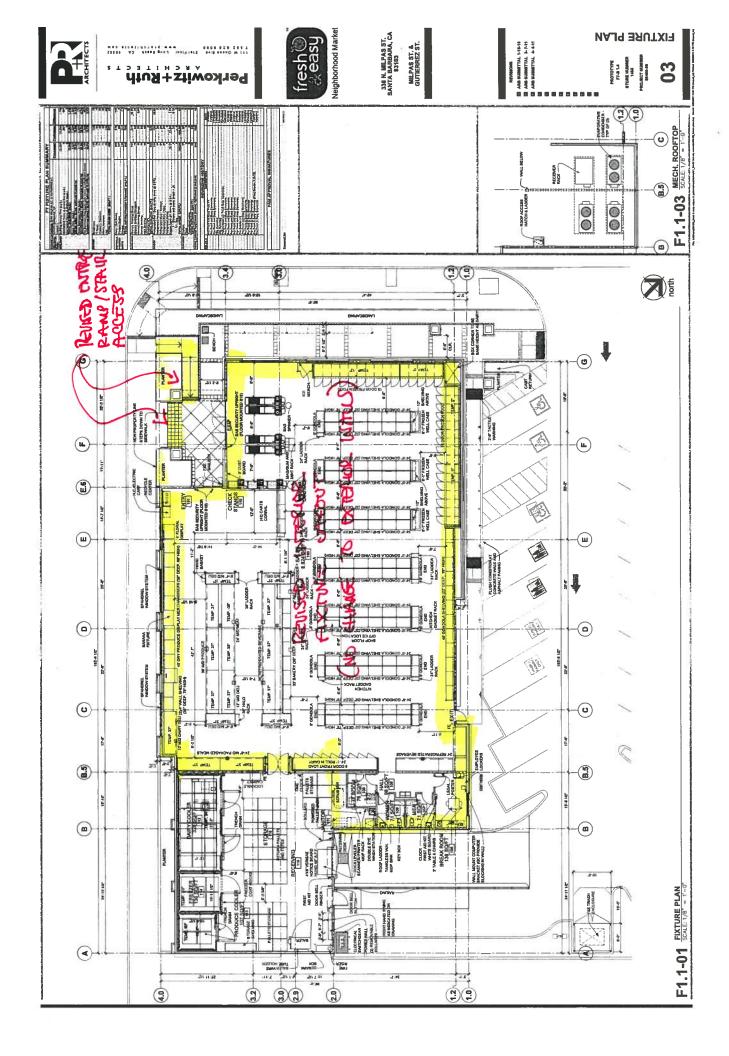
Tony Fischer, Attorney for Mary Z. Frangos Trust

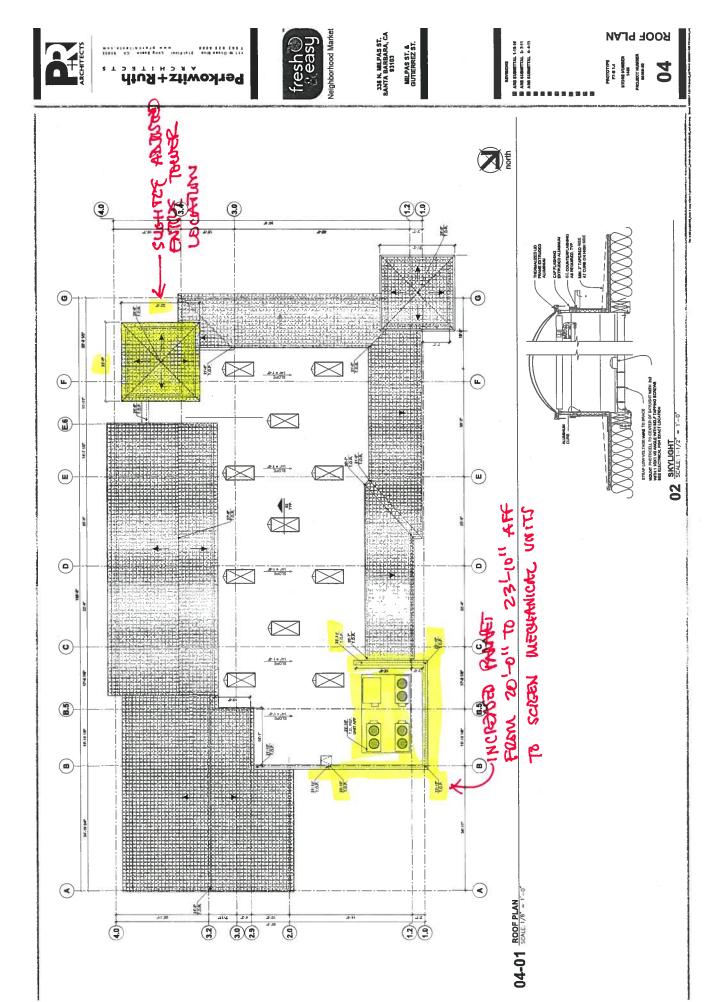
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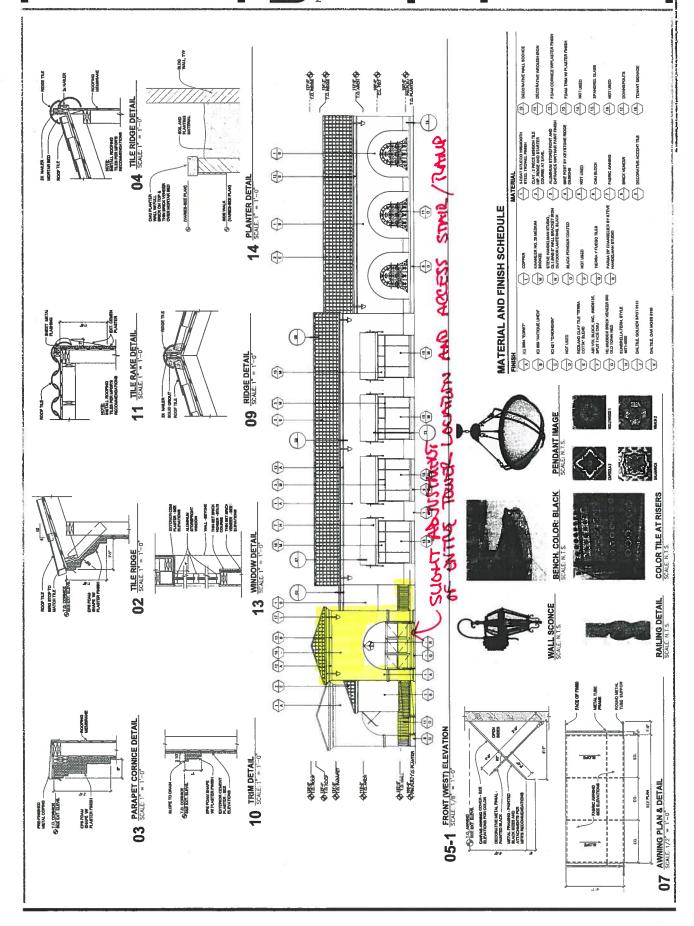
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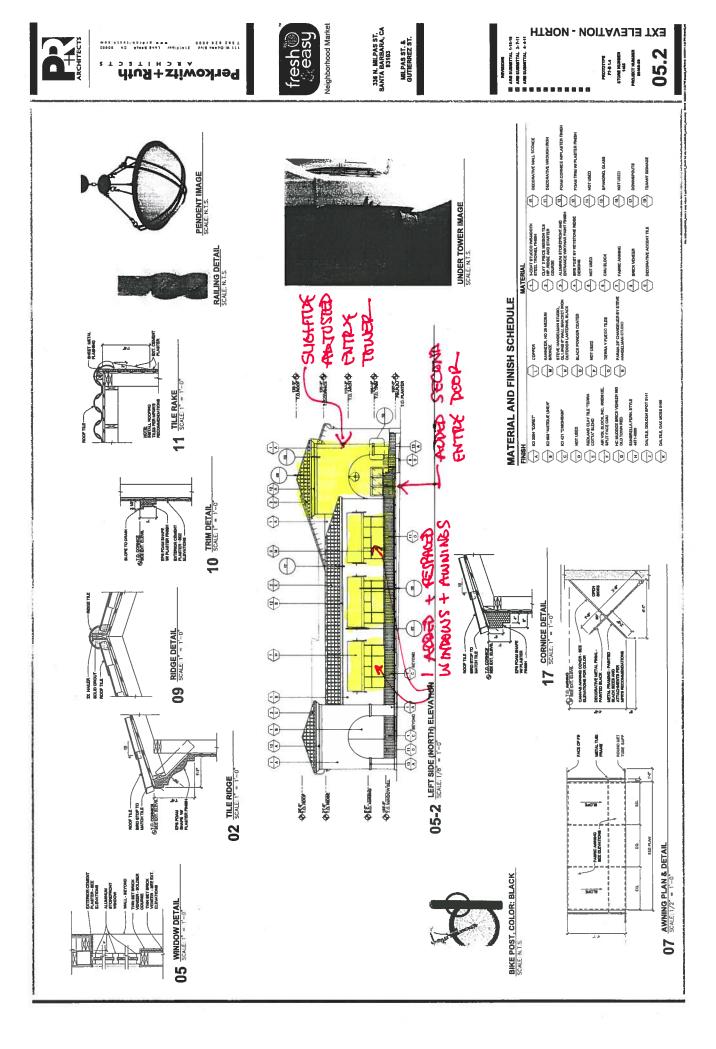


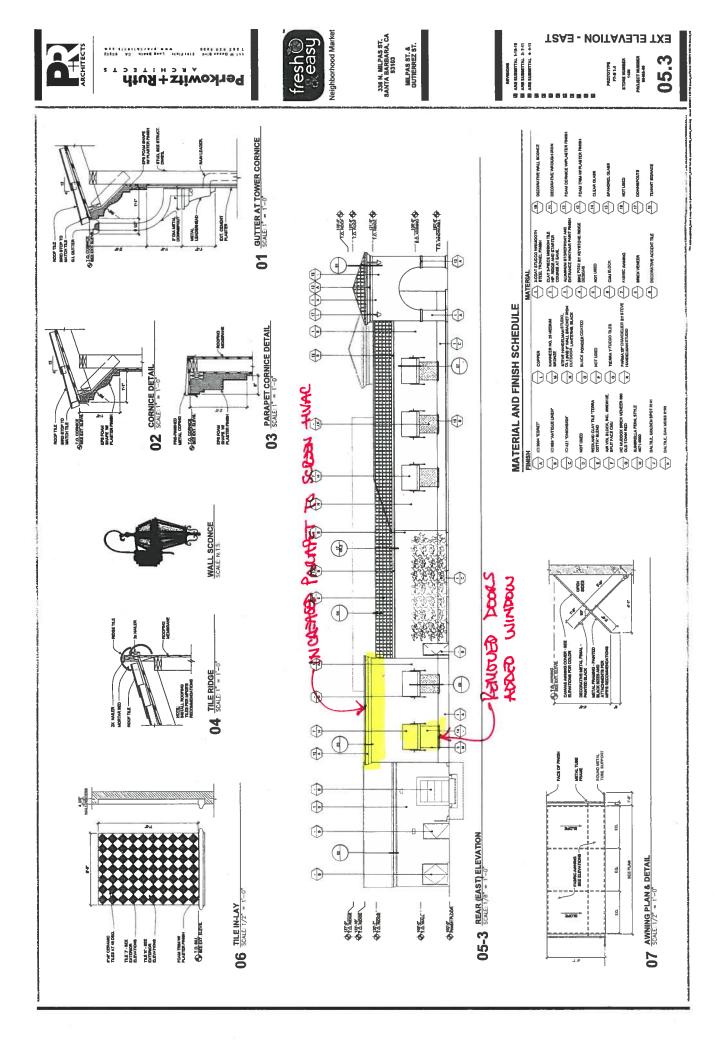












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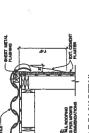
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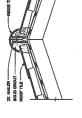




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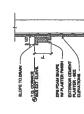
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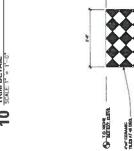
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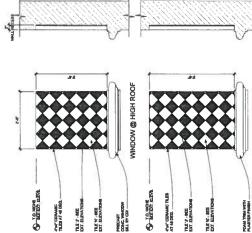


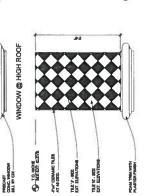


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336 N. MILPAS STREET SANTA BARBARA, CA

CITY OF SANTA BARBAR CITY OF SANTA BARBAR 48 SPACES REQUIRED PARKING

PERKOWITZ + RUTH ARCHITECTS.
ATTN. MR. SEAN UNSELL
SUNSELL@PRARCHITECTS.COM
(562)628-8000

ARCHITECTS INFORMATION

031-371-019 (12,919 SF) 031-371-002 (14,328 SF) 031-371-021 (11,895 SF)

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FIRE SPRINKLER PROTECTION

SEWER SYSTEM: WATER SYSTEM: EXISTING USE. PROPOSED USE.

LAND USE ZONE.
TYPE OF CONSTRUCTION:
OCCUPANCEY GROUP:

336 N. MILPAS STREET SANTA BARBARA, CA 93103 FRESH & EASY NEIGHBORHOOT 2120 PARK PLACE, SUITE 200 E1. SEGUNDO, CA 80245 (310) 341-1385

OWNER'S INFORMATION

SITE ADORESS:

PROJECT STATISTICS

AREAS: TOTAL LOT AREA: EXISTING BUILDING AREA BUILDING A

PROPOSED GROSS BUILDING AREA 11.966 SF PROPOSED NET BUILDING AREA 11.871 SF 12,919 SF EXISTING GROSS BUILDING AREA

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SEE SITE DETAIL SHEET 23

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SEE SITE DETAIL SHEET 2.1

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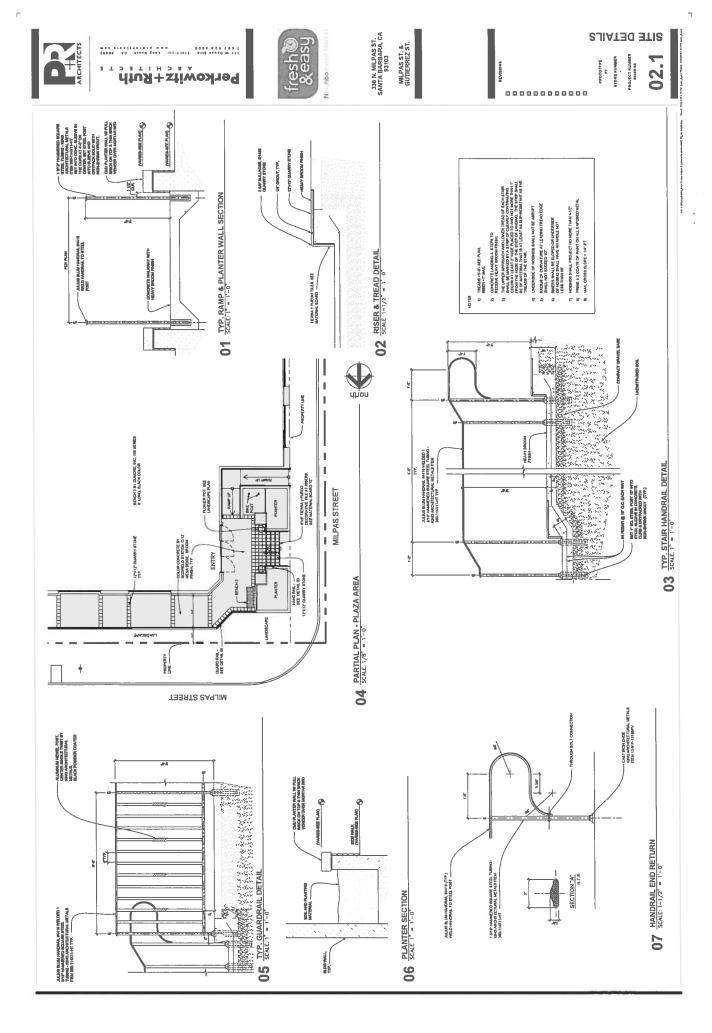
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Existing Site/Parcel Plan scale: 1" = 30"

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01 SITE PLAN

01-52-1







PLANTING PLAN

Perkowitz+Ruth



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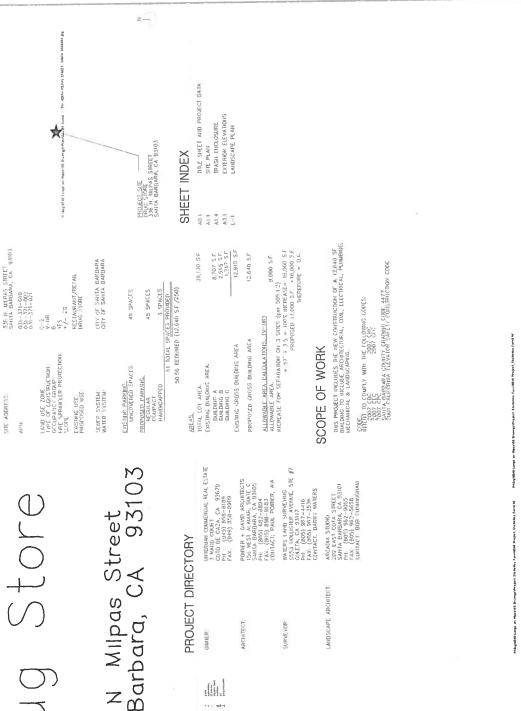
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VICINITY MAP

PROJECT STATISTICS

336 N Milpas Street Santa Barbara, CA 93103

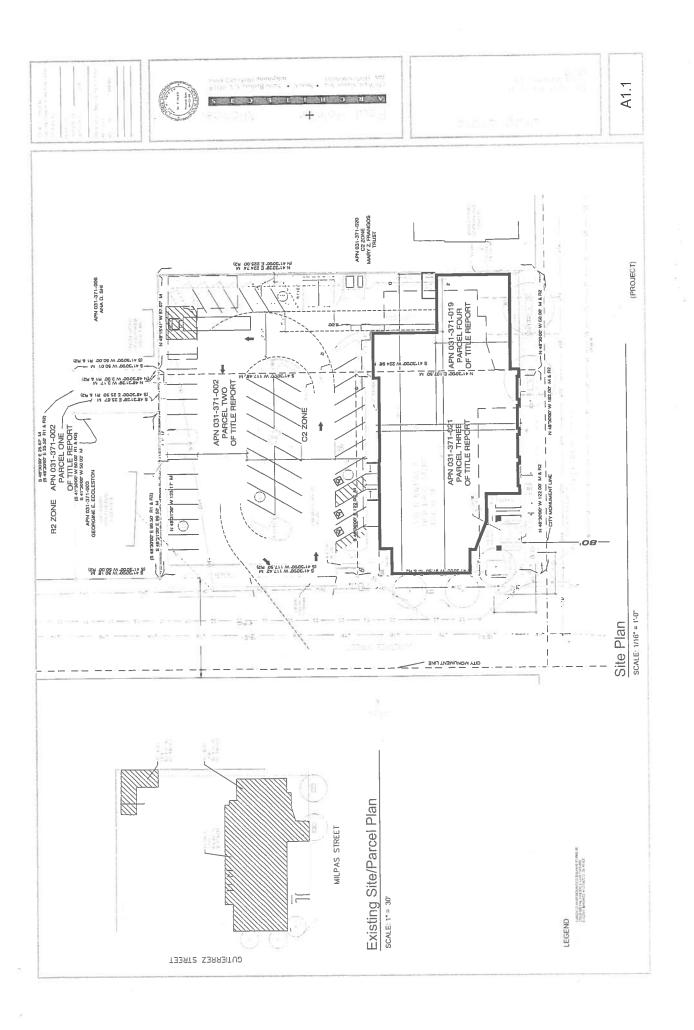
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PREJUDIMENT APPROLED POMS

90-6-91



ABR MINUTES 336 N. MILPAS STREET MST2006-00236

March 7, 2011

ABR - REVIEW AFTER FINAL

Referred to Full Board from today's Consent Calendar

Actual time: 3:29

Present: Shawn Unsell, Architect; Bob Cunningham, Landscape Architect.

Mr. Limon informed the Board that a request for postponement was received from the adjacent property owner, Constantino Frangos, because he did not receive a meeting agenda as requested. Mr. Limon recommended that the Board postpone hearing the item to allow adequate public comment.

Tony Fisher, representing Constantino Frangos, stated that his client did not receive noticing and would like adequate time to review changes to the plans as the adjacent property will be impacted by the project.

Mr. Limon provided background project information from a historic structures report that recommended retaining a setback from Milpas Street similar to the demolished structures. Mr. Limon indicated that this Review After Final moves a portion of the proposed structure closer to Milpas Street.

Public comment was opened at 3:48 p.m. As no one else wished to speak, public comment was closed.

Motion: Continued two weeks to the Full Board with the following comments:

- 1) Study the ADA ramped corner of the site for a solution that does not include a step in the sidewalk.
- 2) Study the parapet on south elevation for a better transition between high and low parapets.
- 3) The proposed tower changes are unacceptable as presented. Study increasing the setback from the sidewalk, and study connections to adjacent structures at the west and north elevations.
- 4) Study increasing the landscape wherever possible.
- 5) Provide sections through the mechanical equipment area, the roof, and the parapet to verify that rooftop equipment will be screened.

Action: Aurell/Mosel, 6/0/0. Motion carried. (Rivera stepped down)

1/25/2010 ABR Consent Calendar

FINAL REVIEW

Final Approval as submitted of landscaping, and Final Approval of architecture as noted:

- 1) On Sheet 03, square off the northwest corner.
- 2) On Sheet 04, remove the hip roof at the northwest corner and replace with a shed roof returning to the tower.
- 3) Use a two-piece mission tile instead of S-tile.

12/14/2009 ABR Full Board

FINAL REVIEW

(6:45)

Present: Sean Onsell, Perkowitz & Ruth Architects; Larry Tanji, Broker; and Bob

Cunningham, Landscape Architect.

Public comment opened at 7:13 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Paula Westbury was acknowledged by the Board.

Motion: Continued indefinitely to the Consent Calendar with comments:

- 1) Study the wrought iron on the Milpas Street elevation.
- 2) Study removing the guard rail along the north walkway and replace with landscaping.
- 3) Provide an additional awning on the east elevation.
- 4) Study the confluence to the building's north eastern corner tower element and how it relates to the building; applicant to consider moving it forward to the sidewalk.
- 5) Study the northwest corner of the building and the connection of the hip roof and tower element.

Action: Aurell/Mosel, 4/0/0. Motion carried. (Rivera/Zink stepped down; Gross/Sherry absent).

11/30/2009 ABR Full Board

FINAL REVIEW

(4:59)

Present: Sean Unsell, Perkowitz & Ruth Architects; and Bob Cunningham, Landscape Architect.

Public comment opened at 5:19 p.m. As no one wished to speak, public comment was closed.

A letter of concern from Paula Westbury was acknowledged by the Board.

Motion: Continued two weeks to the Full Board with comments:

- 1) Revise the wrought iron grill to be more of a Spanish revival style.
- 2) Study the color scheme and provide a darker color than the "Acadia Antique" patina (key note "M" of the color schedule).
- 3) Reduce the height of the light fixtures to a maximum 14 feet above grade or paved surface. Provide a light shield /cut off fixture to avoid light nuisance to the surrounding neighborhood.

- 4) Study the outdoor seating to either relocate to a more appropriate location, or eliminate the outdoor seating area and replace with increased landscaping and benches.
- 5) Study the pedestrian street entry and the tower elements. The Milpas and Gutierrez Street entry should be the primary pedestrian entry in scale and operation, and the rear parking lot entry shall be the secondary entry.
- 6) Study the shape of the round awning over the rear entrance.
- 7) Study the service doors on the Milpas Street frontage (in front of the access ramp). Solutions could include providing wooden doors and/or add landscaping screening.

Action: Mosel/Gross, 5/0/0. Motion carried. (Zink/Rivera stepped down, Aurell absent.)

11/16/2009 ABR Full Board

FINAL REVIEW

(8:01)

Present: Sean Unsell, Project Manager for Perkowitz & Ruth Architects.

Public comment opened at 8:12 p.m. As no one wished to speak, public comment was closed.

An opposition letter from Paula Westbury was acknowledged by the Board.

Motion: Continued two weeks to Full Board with comments:

- 1) Provide all exterior door, window, and building articulation details and finishes, floor plans, sections, and elevations.
- 2) Study the original preliminary approval design for style and details, specifically regarding the entry tower and how it relates to the entry.
- 3) Revise the copper finial on the roof.
- 4) Revise the wrought iron arched areas for planting on the street side.
- 5) Study the proportion of the brick finish archway on the street elevation.
- 6) Apply a more subtle use of the alternate tile pattern.
- 7) Study the proportion of the windows with the architectural style.
- 8) Study a color palette more indigenous to the Santa Barbara "Spanish Revival" style, and return with alternative color schemes. The brown brick veneer is not acceptable; provide another color proposal. Provide an alternate wainscot color between the three columns.
- 9) Remove all references to signage. All signage is to be reviewed by the Sign Committee under a separate application.

LANDSCAPING:

1) Provide a complete landscape plan, including all existing street trees.

2) Provide significant landscaping along the patio edge, the street elevation, and the Gutierrez Street elevation.

Action: Gilliland/Rivera, 5/0/0. Motion carried. (Zink/Sherry/Gross absent).

Additional Board comment:

Rather than the split face block wall around the parking lot (to be covered in planting vines), one Board member preferred that it be a blank wall instead (covered in planting vines).

10/5/2009 Consent Calendar

CONTINUED ITEM

(Preliminary Approval was granted 10/9/2006. Two one-year time extensions have been granted. Applicant is requesting a third one-year time extension.)

Approval of a one-year time extension with findings made that there are no changes proposed to the original design that received Preliminary Approval.

10/6/2008 CONSENT CALENDAR

REFERRED BY FULL BOARD

(Preliminary Approval granted 10/9/2006. A one year time extension was granted on 10/8/2007. Final Approval is requested of architecture and landscaping.)

One year time-extension granted.

10/9/2006 ABR Full Board

PRELIMINARY REVIEW

(6:29)

Present: Paul Poirier, Architect; Katie Corliss, Associate.

Motion: Preliminary Approval and continued to Consent Calendar with the following

comments:

1) Refinements to the current scheme are successful; however:

a. The applicant should study upgrading the materials at the entry stairway approach.

b. Reconsider the coloration for the type of block used at the proposed walls.

c. Increase the recess of windows on Milpas Street to twelve inches.

d. Increase landscape opportunities at the south parking lot by "saw-toothing" at the curb.

e. Include vines along the block walls.

2) Final Approval may be made at Consent Calendar.

Action: LeCron/Sherry, 8/0/0. Motion carried.

8/21/2006 ABR Full Board

CONCEPT REVIEW (Continued)

(6:59)

Present: Paul Poirier, Architect; Joe Cavenaugh, Longs Drug Store.

Public comment opened at 7:12 p.m.,

Georgine Eccleston, resident, in favor; however, expressed concern regarding maintenance of the proposed fence.

Public comment closed at 7:18 p.m.

Motion:

Continued indefinitely to the Full Board with the following comments:

- 1) The Board appreciates the revised site plan with the loading dock concealed in the rear, and the relocated trash enclosures.
- 2) The Board appreciates the building creating a strong edge on Milpas Street.
- 3) The majority of the Board appreciates the preservation of the tree at the corner of Milpas and Gutierrez Streets.
- 4) The majority of the Board likes the two entry tower. Continue to study and refine the tower entry at the Milpas Street corner.
- 5) Study the consistent use of brick at the wainscot.
- 6) Study increasing plate height of the middle portion of the mansard roof facing Milpas Street to give better articulation to the individual buildings.
- 7) On the Milpas Street elevation, study incorporating full height glass display windows, which should be recessed as much as possible at the center portion of the building elevation.
- 8) Restudy the east elevation.
- 9) Study adding design detail to the south elevation gable form. 10) Study the use of planters, in lieu of pots, under the west wall arches as a more maintainable solution.

Action:

LeCron/Wienke, 8/0/0.

6/5/2006 ABR FULL BOARD CONCEPT REVIEW

CONCEPT REVIEW (New)

(3:50)

Paul Poirier, Architect; Derrik Eichelberger for EHE Realty Co.; and Joe Cavanaugh for Longs Drugs, present.

Public comment opened at 3:59 p.m.

Mr. Ricardo Shi, neighbor, expressed concern regarding the proposed project's fencing, and trash receptacle, size and appearance, including any possible negative impact on his privacy and public view.

Ms. Georgine Eccleston, neighbor, expressed concern regarding the proposed project's fencing, trash receptacle, repositioning of driveway, decorative wall, and location of the proposed utility poles.

Public comment closed at 4:09 p.m.

Motion:

Continued indefinitely to Full Board with the following comments:

1) The Board finds that the current proposal is replacing one of the nicest examples on Milpas Street, and would like to see a revised proposal that emulates many of those good attributes.

- 2) An identifiable pedestrian entrance along Milpas Street or at the corner is desirable.
- 3) The Board would look for pedestrian space along Milpas Street that sets the building back far enough to maintain some of the Riviera mountain views.
- 4) As to traffic circulation, it would be preferable to have the parking less apparent from Milpas Street and yet allow for vehicle access.
- 5) As to the architectural mass, it would be preferable to have the building broken up into smaller components and have a more "village-like" quality, as opposed to the big box-like retail look as currently presented.
- 6) It would be a real asset to the proposed project to keep the jacaranda tree at the front corner.
- 7) Some functional relationships of necessary elements such as the trash and loading dock areas should not be visible from the street and the adjacent residential neighbors.
- 8) The proposed project should represent a true retail experience, especially along Milpas Street, and not present a false façade alluding to activities behind an adorned blank wall.
- 9) The domed form on the building alludes to an entry even though not authentic, and should be an actual entry expression or pronounced entrance.
- 10) Applicant should return with photo documentation of composite street elevations.
- 11) Applicant shall include accommodation for shopping carts and any future vending machines on the revised proposal.

Action: Mudge/Sherry, 7/0/0. (Romano stepped down)

ARCHITECTURAL BOARD OF REVIEW CONDITIONS OF APPROVAL

336 N. MILPAS NEW COMMERCIAL BUILDING JUNE, 5, 2006

Cultural Resources: Standard Construction "Discovery" Measure

- CR-1 Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such cultural resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be consulted to evaluate the find, and mitigation measures shall be undertaken as necessary to avoid significant impacts. If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Environmental Analyst.
- C-2 Extended Phase 1 (See MEA Guidelines)
- C-2 Monitoring (See MEA Guidelines)

Hazardous Materials

HZ-2 In the event that potentially hazardous materials are uncovered during grading or construction processes, the applicant shall take appropriate measures to assure worker and public safety and provide for assessment and remediation in accordance with State, County, and City regulations.

Noise: Construction Noise Mitigation Measures

- N-1. Noise generating construction activity should be prohibited Saturdays, Sundays, and holidays and between the hours of 5 p.m. to 8 a.m. Holidays are defined as those days which are observed by the City of Santa Barbara as official holidays by City employees.
- N-2 All construction equipment, including trucks, should be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- N-3 Staging and equipment areas shall be sited to minimize noise effects to residential and other noise-sensitive land uses. Temporary noise barriers shall be provided around the construction site as necessary to avoid extended disturbance to neighbors from construction noise.
- N-4 Within 10 days of commencement of construction, the applicant shall provide notice of construction schedule to surrounding neighborhood and post information on the site in a location visible to the public, including the hours of operation and contact person with telephone number.

Solid Waste: Construction Source Reduction/ Recycling Measures

SW-1 Recycling bins shall be placed on the site throughout the construction process, and the applicant shall maximize resource recovery, reuse and recycling of demolition and construction waste as feasible.

Traffic: Construction Traffic/ Parking Mitigation Measures

- TC-1 The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods and shall be approved by the Transportation Operations Manager..
- TC-2 Construction parking shall be provided as follows:
 - A. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Operations Manager.
 - B. On-site or off-site storage shall be provided for construction materials and equipment. Storage of construction materials within the public right-of-way is prohibited.

Grading: Erosion/Siltation/Water Quality Mitigation Measures

- W-1 An Erosion Control Plan for construction activities to maintain all sediment on site and out of the drainage system shall be submitted to the Building Division for approval prior to Building Permit issuance and shall be implemented by the applicant on site. The plan shall include, at a minimum, the following:
 - 1. Minimize the area of bare soil exposed at one time (phased grading).
 - 2. Install silt fence, sand bag, hay bale or silt devices where necessary around the project site to prevent offsite transport of sediment.
 - 3. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.
 - 4. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
 - 5. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
 - 6. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water.
- G-2 A detailed grading and erosion-control plan shall be submitted for review and approval prior to issuance of grading permit. The plan shall be coordinated with drainage and landscaping plans, and shall incorporate Best Management Practices in accordance with Regional Water Quality Control Board regulations:
 - Grading shall incorporate any applicable measures recommended in soils and geology reports. Detailed plans and geologic report shall be submitted for any permanent erosion-control structures.
 - Grading shall be designed to minimize erosion and control drainage.

- Graded areas shall be revegetated within four weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion. Planted areas shall be irrigated if necessary, and maintained to ensure that plants are established. Geotextile binding fabrics shall be used as necessary to hold slopes until vegetation is established.
- Excavation and grading shall be limited to the dry season of the year (i.e., April 15-November 1) unless otherwise approved by the Building Division based on identified erosion-control measures.

To: City of Santa Barbara, Community Development Department Planning Division

Re: FRESH AND EASY, 336 N Milpas, Application Number: MST2006-00236 - Landscape Plan

I am the owner occupant of one of the three R-2 properties located to the east of the proposed new Fresh and Easy store at 336 N Milpas. I believe that it is mandatory that any landscape plan include adding trees to fill in the gap in the existing tree row along the southern border of the Fresh and Easy property line.

May 6, 2011

There is a problem view to my south west. Located on the roof of the Saigon Cafe at 318 N Milpasis a highly visible and extremely ugly industrial monstrosity. I did not receive any notice of any meeting pertaining to the construction of this shiny silver colored ductwork and associated equipment, so I was not able to submit an objection. I don't believe that such a project could have been approved by any ABR. Picture #1 shows that view as seen from my house.

Fresh and Easy and the ABR must be commended by the fine work to produce such a beautiful architectural plan. However, this is not all Fresh and Easy customers see from the parking lot. See picture #2 for a parking lot view of the architectural element greeting the customers. The approved plans call for construction of an eight foot tall CMU fence here, even that will not block the problem. As you can see, the view of this architectural element, which is lording over the parking lot, is not only ugly, but could create a potentially hazardous condition which I will discuss later.

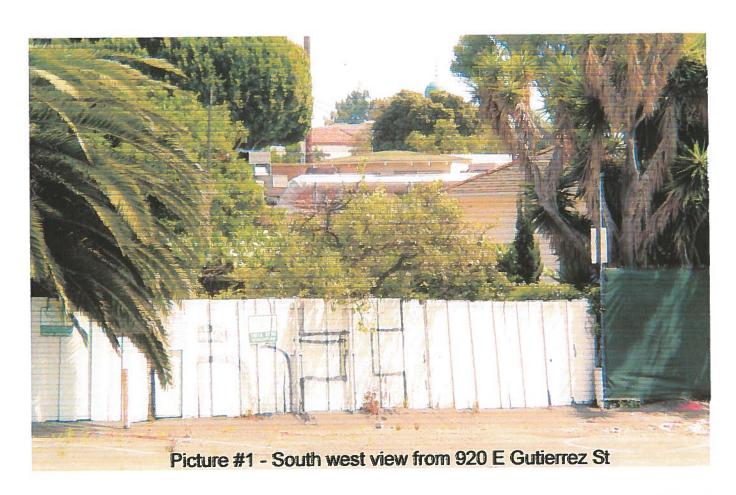
My house is build upon a three foot raised foundation. I have no problem seeing over the existing eight foot fence from my kitchen, breakfast nook, dining room and living room windows. Not only does this present a seriously ugly view, but the afternoon sunlight frequently glares off these shiny silver ducts almost like a mirror. This can be distracting as I look out my west facing windows and at times could be a serious safety issue to those walking and driving in the Fresh and Easy parking lot.

The best solution would be to remove the jurk from the roof of the Saigon Cafe. I realize that would be both beyond the scope of the ABR and this project and would take time. To mitigate this potentially hazardous problem and eyesore, several fast growing, bushy trees should be planted in the gap in the existing trees along the southern boundary to block this view and reflected sunlight. The Fresh and Easy artist rendering of this elevation shows added trees along this boundary. I want to make sure that these trees are of a size and type and properly oriented to block that offending view. It appears that these trees would be planted in the space along the fence, in the vicinity of the trash enclosure. Perhaps on either side. See picture #3.

Respectfully submitted,

Clark Ortone, 920 E Gutierrez St.

805 322-7422





on py 21 + 27

HISTORIC SITES/STRUCTURES REPORT

For

328-336 North Milpas Street

(APN 031-371-002, APN 031-371-019 and APN 031-371-021)

MST 2006-00236

Prepared for:

Longs Drugs

141 Civic Drive Walnut Creek, CA 94596

Attn. Mr. Joe Cavanagh

(925) 210-6755

By
POST/HAZELTINE ASSOCIATES
2607 Orella Street
Santa Barbara, CA 93105
(805) 682-5751
(email: pampost@earthlink.net)

RECEIVED

AUG 3 0 2006

CITY OF SANTA BARBARA PLANNING DIVISION

August 30, 2006

(d) That has yielded, or may be likely to yield, information important in prehistory or history.

The properties at 328 and 336 North Milpas Street, which do not meet any of the criteria necessary for listing as a historic resource at the local or state level, do not embody sufficient significance to merit listing in the National Register of Historic Places:

8.4 Summary Statement of Significance

Neither the property at 328 North Milpas Street nor the property at 336 North Milpas Street, are eligible for designation as historic resources at the city, state, or national level. Therefore, neither property is considered a significant resource for the purposes of CEQA review.

9.0 DETERMINATION OF THE NEED FOR AN ASSESSMENT OF THE IMPACTS OF THE PROJECT AT 328/336 NORTH MILPAS STREET

As noted in Section 8.4 neither the property at 328 North Milpas Street nor the property at 336 North Milpas Street, are considered significant resources for the purposes of CEQA review. The proposed demolition is therefore considered adverse, but not significant. However, since the building is one of the few all steel buildings from the pre-World War II period (outside of several gas stations) the following advisory recommendations are recommended:

9.1 Advisory Recommendations

Photo-document the north and west elevations (the most intact of the four elevations) of the building at 336 North Milpas Street prior to demolition. This would preserve a record of the building for the community. The recordation shall follow the requirements outlined in the City's MEA guidelines for photo-documentation.

The following design revision is recommended:

• Explore revising the design of the new building to reference the surviving features of the Art Deco Style building at 336 North Milpas Street.

10.0 SUMMARY AND CONCLUSIONS

A Historic Resources Report, prepared by *Post/Hazeltine Associates* for 328 North Milpas Street and 336 North Milpas Street, has determined that neither property is eligible for designation as a City of Santa Barbara Landmark or Structure of Merit. Therefore, the effect of the proposed demolition is considered adverse, but not significant (Class III). *Post/Hazeltine Associates* recommends that the advisory mitigation measures outlined in Section 9. of the report be incorporated into the project.